

Remarks:

Claims 1-7 and 10-20 remain for consideration in this application. Claims 8 and 9 have been withdrawn from consideration.

In the Office Action dated January 9, 2006, claims 1-7 and 10-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Noiles (US 4,676,798). Applicants have further amended independent claims 1, 15, and 17 to recite that the retaining ring includes an *axially extending* catch leg presenting a catch lip *extending outwardly from the catch leg*. The catch lip engages a catch ledge formed in the rigid shell when the prosthesis is assembled. Also, claim 15 includes the limitation that the substantially rigid retainer ring is unitary. Support for these amendments may be found in the drawings as originally filed, particularly Fig. 3 and its accompanying description. The retaining ring structure of the present invention, when coupled with the substantially rigid shell, provides a “rigid to rigid” connection that securely holds the a joint ball thereby preventing dislocations while performing rather mundane activities such as crossing one’s legs. However, unlike the system described in Noiles, the force required to dislocate the joint ball from the liner and the liner from the shell is, by only a small predetermined amount, below the force required to separate the shell from the patient’s skeletal structure. Thus, the present invention represents a tremendous advance in the art of joint prosthesis by providing a means of securing the joint ball to prevent unnecessary dislocations while at the same time allowing the joint to dislocate before stress sufficient to cause a fracture of the patient’s bone is reached.

In the office action, the Examiner has defined that the rigid ring as presently claimed is met by features 13 and 80 of Fig. 1 of the Noiles reference. Applicants respectfully traverse that feature

80 can be construed as a substantially rigid ring. First, Applicants point out that feature 80 is described in the Noiles specification as “spaces” between bayonet lugs 78. Thus, reference numeral 80 is merely pointing to a surface of the socket bearing 12 and not to any distinct ring feature. Second, Applicants submit that feature 80 is unitarily formed with bearing 12 which is made from UHMWPE, a material that the Office has previously asserted as being resiliently yieldable. This position is supported by the fact that in Fig. 1, feature 80 is not shown exploded from bearing 12. Also, the top plan view of Fig. 2 clearly depicts feature 80 as merely being a surface of bearing 12. Thus, feature 80 could not form a part of a substantially “rigid” ring as required by the present claims. Further, with respect to claim 15, clearly features 13 and 80 do not form a unitary ring structure as required by this claim.

In any event, Applicants have further amended the claims to differentiate any retainer ring disclosed by Noiles from that of the present invention. All claims now recite that the retainer ring include an axially extending catch leg and a catch lip extending outwardly from the catch leg. None of the retainer ring embodiments disclosed by Noiles comprise these features. Noiles does not disclose any catch leg axially extending from the retainer ring. Further, Noiles certainly does not disclose any catch lip extending outwardly from the catch leg which engages the shell catch ledge. Thus, Noiles does not anticipate the presently claimed invention.

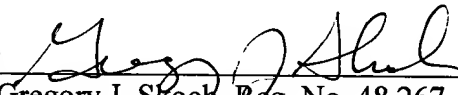
Applicants submit that claims 2-7, 10-14, 16, and 18-20 recite additional features which are novel over the art of record. Particularly, Applicants point out that claim 12 further defines that the *liner* includes a liner catch lip and that the shell includes a catch ledge for engaging and holding the liner catch lip. Applying the Examiner’s construction of the Noiles reference (i.e., that features 78,

80 make up the rigid retainer ring), Noiles cannot teach a *liner* catch lip that is engaged by a *shell* catch ledge. Claim 18 requires that the step of attaching the retainer ring comprises snapping the retainer ring to the shell. Ring 13 of Noiles is not snapped to the shell, nor is feature 80 snapped to the shell.

In view of the foregoing, Applicants respectfully request that the §102(b) rejections based on Noiles be withdrawn and a Notice of Allowance be issued.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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